

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 21-CR-20264

v.

Hon. Denise Page Hood

YLLI DIDANI,

Defendant.

MOTION TO WITHDRAW AS COUNSEL

Attorney Brian Kaplan hereby moves this Honorable Court for an order permitting his withdrawal. The government has indicated it will not take a position on the motion.

In support of this motion, undersigned counsel relies upon the law, facts, and arguments set forth fully in the attached brief.

WHEREFORE, undersigned counsel respectfully requests that this Honorable Court grant this motion.

Date: May 20, 2024

Respectfully Submitted,

Brian Kaplan PC

/s/ Brian Kaplan

11 Park Place, Suite 1005

New York, New York 10007

As local counsel,

WADE FINK LAW P.C.

/s/ Wade G. Fink

Wade G. Fink (P78751)

Attorneys for Defendant

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BRIEF IN SUPPORT OF MOTION TO WITHDRAW

I. RELEVANT FACTUAL BACKGROUND

Ylli Didani is before this Court related to an alleged international drug conspiracy. The litigation is unquestionably massive, involving terabytes worth of discovery, hundreds of thousands of electronic communications, and thousands of hours of surveillance and other law enforcement methods. Undersigned counsel was hired as support for another attorney. Didani has not been able to pay his legal fees and undersigned counsel also did not enter the representation expecting to be counsel for trial. In addition, Didani has become increasingly abusive in his communications and it is clear that he is not accepting counsel.

Because my continued representation would work a substantial hardship on my practice, because Didani has been assaultive in his communication, because there is virtually no trusting relationship remaining, I ask the Court allow me to withdraw.

I am a solo practitioner in New York City. Continued representation at trial would in essence be the end of my practice. I have been practicing for over 34 years and have never previously had to withdraw from a case before.

II. ARGUMENT

An attorney may withdraw by written motion served upon a defendant. The Court should only deny the motion if the withdrawal of the attorney would unduly delay the case, be unfairly prejudicial, or is otherwise not in the interest of justice. L.R. 57.1. A break-down in communication is one example of good cause warranting the withdrawal of counsel. *Wilson v Mintzes*, 761 F.2d 275 (6th Cir. 1985). An unreasonable financial burden on the lawyer is another. *See* ABA Model Rule 1.16.

Based on the course of the representation, there is breakdown in the attorney-client relationship. In addition, Didani cannot pay retained counsel for trial, it would work a financial burden on my practice. Whether it be Mr. Fink or CJA counsel, or both, Didani needs a lawyer he can communicate with and trust, with resources to go to trial, if necessary.

III. CONCLUSION

Undersigned counsel asks this Court to permit his withdrawal.

Date: May 20, 2024

Respectfully Submitted,

Brian Kaplan PC

/s/ Brian Kaplan

11 Park Place, Suite 1005

New York, New York 10007

As local counsel,

WADE FINK LAW P.C.

/s/ Wade G. Fink

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PROOF OF SERVICE

I hereby certify that on May 20, 2024, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record. In addition, I mailed a copy of this motion to Defendant Ylli Didani at FCI Milan Detention Center.

/s/ Wade G. Fink

Wade G. Fink (P78751)

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